

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DEBORAH L. JENNINGS)
)
)
Plaintiff,)
)
)
v.) Cause No.: 4:16-cv-00821-SNLJ
)
)
ANNETT HOLDINGS, INC.)
d/b/a TMC TRANSPORTATION, INC.)
)
Defendant.)

**DEFENDANT TMC TRANSPORTATION INC.'S MOTION IN LIMINE REGARDING
NEGATIVE REFERENCES TO TRUCKING COMPANIES, DRIVERS OR
DEFENDANT**

COMES NOW Defendant TMC Transportation, Inc., by and through its attorneys, and moves in limine to exclude any evidence, testimony, documentation, argument or other inferences or reference during voir dire, opening statements, testimony or closing argument on the basis that reference to such subjects without appropriate safeguards will be unfairly prejudicial to the Defendants on the following trucking/training issues:

1. Any testimony, reference, or comment on the trucking industry, truck drivers or any negative elements, statements, or inferences pertaining to the trucking industry including its truck drivers, safety practices, record of safety, sleep deprivation of drivers, hours of service of drivers, employment or related trucking issues or matters as it relates to the general trucking industry.
2. Any testimony, reference, or comment regarding "sending a message" to trucking companies and truck drivers in response to safety or conduct issues of trucking companies and their drivers, in that it is irrelevant to the case, speculative, and hearsay.

3. Any evidence relating to the financial condition, net worth or the institutional size of TMC Transportation.

4. Any evidence concerning the Defendants' insurance coverage.

5. Statements that imply that the Defendants should be punished or sent a message as punitive damages have not been alleged.

6. Any reference by Plaintiff insinuating that Defendant TMC Transportation aided, abetted, allowed, or encouraged David Pierce to violate the Federal Motor Carrier Safety Regulations as there are no allegations of negligent hiring or retention made in this case.

7. Any prejudicial and/or inflammatory statements intended to demonize Defendants or the trucking industry.

WHEREFORE, Defendant TMC Transportation moves the Court to exclude the foregoing matters and specifically request the following relief:

- a. That said evidence and any reference thereto be completely excluded from this case including voir dire, opening statements, presentation of evidence, and closing arguments;
- b. That all counsel instruct their respective witnesses of this order and demand compliance therewith;
- c. That all documents reflecting or referencing said evidence or material be identified by the party offering said documents so that said material can be deleted or otherwise modified to insure compliance with this order;
- d. That in the event said evidence should inadvertently be divulged, the Court will instruct the jury at the time it was divulged that they should disregard same;
- e. That in the event said evidence or matter enumerated above is admissible for one

purpose and not another, the jury be instructed for what purpose it is being offered and that they should not consider said evidence in determining whether Defendant is liable or otherwise at fault;

- f. That at the Defendant's option, a written withdrawal or cautionary instruction be given to the jury with other written instructions concerning the evidence and/or the matters enumerated.

Respectfully submitted,

ROBERTS PERRYMAN PC

/s/ Ted L. Perryman
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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing has been sent electronically and by U.S. mail, postage pre-paid this 26th day of September, 2017 to all counsel of record.

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